



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Daniel W. Van Vleet
Appl. No.: 09/817,522
Filed: March 26, 2001
Conf. No. 7905
Docket No.: 1752
Title: APPARATUS AND METHOD FOR SIMULATED CAMPFIRE

Art Unit: 3743
Examiner: Kathryn P. Ferko

Action: **SUPPORTING DECLARATION UNDER 37 C.F.R. § 1.131**

Date: September 18, 2002

TO: Assistant Commissioner for Patents
Washington, DC 20231

Sir:

DECLARATION OF TODD KELLER

Todd Keller hereby declares as follows:

1. My name is Todd Keller and I reside at 747^{3rd} St, Gurley, Nebraska. 69141
2. I am making this declaration in support of the above-identified patent application on behalf of Daniel W. Van Vleet.
3. I understand that certain claims of this patent application are being rejected by the Examiner, based in whole or in part, upon the teachings of United States Patent No. 6,227,843 to Pedersen et al., which was filed on April 10, 2000 and which claims priority through provisional application, no. 60/137,610 filed on June 3, 1999.

4. I also understand that this Declaration is going to be used to support Daniel Van Vleet's position that the invention described and claimed in the above-referenced application for patent was conceived and reduced to practice prior to June 3, 1999, the effective filing date of the Pedersen et al. reference.

5. In August 1998, Daniel showed me his first prototype of the portable campfire. I was also present when Daniel tested this initial prototype in September 1998. The prototype shown to me in August 1998 and tested before me in September 1998 had numerous features, including:

- a. A fire pan in the form of a toolbox;
- b. A toolbox lid;
- c. A gas manifold disposed in the toolbox with at least one gas outlet operative to introduce vaporized fuel into the toolbox interior;
- d. A connector associated with the gas manifold connecting it to a propane tank through an opening formed in the base of the toolbox; and
- e. A quantity of vermiculite disposed in the toolbox at a depth sufficient to cover the gas manifold.

6. Attached hereto as Exhibit A are true and correct photographs of the toolbox prototype that Daniel showed me in August and September 1998.

7. I further recall that Daniel made a second prototype of the portable campfire that he showed me in March 1999. I was also present when the second

prototype was tested in March 1999 and recall that it included the following features:

- a. A base to rest on a support surface;
- b. A fire pan supported by the base, including a main body portion having an inner surface, an upper rim, and a pan interior;
- c. A lid sized to enclose the pan interior;
- d. A spacer interposed between the fire pan and the base;
- e. A gas manifold disposed in the interior of the fire pan and having at least one gas outlet to introduce vaporized fuel into the fire pan;
- f. A connector to connect the gas manifold to a fuel canister; and
- g. A quantity of vermiculite disposed in the fire pan at a depth sufficient to cover the gas manifold.

8. Further, with respect to the second prototype, I recall that the base, the fire pan, and the lid each had substantially the same geometric configuration – a truncated frustum, while the spacer was substantially cylindrical. The base and the fire pan were secured together with carriage bolts and nuts. The upper rim of the fire pan had an inwardly projecting shoulder to support the lid. The upper rim was also constructed such that if the stove were tipped over, it would be oriented at no less than 90° to the support surface. The gas manifold extended around the inner surface of the fire pan and had a plurality of ports that directed vaporized fuel radially inwardly into the particulate material.

9. The photographs attached hereto as Exhibit B are true and correct photographs of the second prototype that Daniel showed me in March 1999.

10. I, the undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon, declare that the facts set forth in this declaration are true, all statements made of my own knowledge are true, and all statements made on information and belief are believed to be true.

Further declarant sayeth not.

By:  _____ Date: 9-18-02
Todd Keller



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